



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,846	11/28/2001	Mika Sugimoto	FJ-2001-030-US	8448

21254 7590 12/21/2005

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
8321 OLD COURTHOUSE ROAD  
SUITE 200  
VIENNA, VA 22182-3817

EXAMINER

ZHOU, TING

ART UNIT PAPER NUMBER

2173

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,846

Applicant(s)

SUGIMOTO, MIKA

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed on 23 September 2005 have been received and entered. The applicant has added new claims 15-20. Claims 1-20 as amended are pending in the application.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites the limitation "the photographing information" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim. For prosecution purposes, the examiner assumes that "the photographing information" refers to "the image information", which has sufficient antecedent basis in the claims.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker, in the book, The Complete Idiot's Guide to Microsoft FrontPage 2000 (hereinafter "Parker").

Referring to claims 1 and 8, Parker teaches a homepage creation and update program (Microsoft FrontPage 2000) causing the computer to execute the functions of displaying a plurality of stored images and allowing the user to select a desired image (displaying a plurality of files, such as clip art images, for users to import into a webpage) (pages 88-91); allowing the user to indicate a beginning of a homepage creation process (users can create a new website, or update a website by using the FrontPage creator/editor to save and publish pages) (pages 15-16, 25 and 107), automatically performing the one of the creation and the update of a homepage using the desired image after the desired image is selected and the beginning of the homepage creation process is indicated by the user (after the user has added or edited a selected image, FrontPage will automatically create or update the page when the user selects the options to save the changes made to the website and upload and publish the newly added or edited images, pages etc.) (pages 26-27, 107 and 297-300); and arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images, automatically, according to image information stored in each image file (after the user has inserted or edited a selected image with corresponding image information stored in the image file, i.e. properties such as image width, height, direction, etc. in "Picture Properties", and selected the option to save and upload/publish the newly added or edited images to the web page, the web page is automatically created/updated with the images arranged in the user selected fashion, i.e. the size, height, placement, etc. of the images of the published website corresponds

to the user edited "Picture Properties" information of the image) (pages 26-27, 92-96, 102-107 and 297-300).

Referring to claims 2 and 9, Parker teaches arranging, when the user selects a plurality of desired images and indicated beginning of the homepage creation process, the selected plurality of images in order of the user's selection and automatically performing the one of creation and update of the homepage (FrontPage places each image the user selects onto the page in order of user selection; for example, the first image the user selects will be placed onto the page, followed by the next image the user selects, etc.) (pages 88-91).

Referring to claims 3 and 10, Parker teaches the image information concerning at least one of image width, image height, image direction, image resolution, trimming and zooming (image information that can be arranged include properties such as image width, height (size), direction (alignment), etc.) (pages 92-96 and 102-106).

Referring to claims 4 and 11, Parker teaches performing, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the one of the creation and update of the homepage, which displays the images with the photographing information stored in each image file, the photographing information concerning at least one of date and time, photographer, title, image width, image height, compression mode of a stored image, shutter speed, contraction value, brightness value, light exposure correction value, minimum stop-down value of lens, object distance, photometry method, flash emission conditions, photographing location, photographing direction, and comment information (when the user creates, or updates the webpage by uploading and publishing the page, photographing

information, or file, image information can be displayed, including information such as date, title, size, comments, etc.) (pages 276-277 and 290-291).

Referring to claims 5 and 12, Parker teaches displaying, when the user selects the desired image and indicated beginning of the homepage creation process, a screen editor homepage, and selecting an image on the screen editor homepage, and then moving the image location and changing the image size (when the user selects to create a website with FrontPage and selected a desired image to add to the page, the user can change the size or location of the image by selecting the corresponding options; bringing up the appropriate dialog boxes, or screen editors for editing the images) (pages 92-95).

Referring to claims 6 and 13, Parker teaches automatically transmitting the homepage, which is one of created and updated by the homepage creation and update program, to a specified server (FrontPage will upload the created, updated image and/or page onto a web server in order to publish the page over the Internet upon user selection to upload and publish the pages) (pages 297-300).

Referring to claims 7 and 14, Parker teaches creating and updating an index part concerning the homepage transmitted to the specified server (the user can view a summary, or index of all the pages, files, images, etc. on the site) (pages 276-277 and 290-291).

Referring to claim 17, Parker teaches a method comprising allowing a user to display a plurality of stored images and allowing the user to select one or more desired images from the plurality of stored images (displaying a plurality of files, such as clip art images, for users to import into a webpage) (pages 88-91); allowing the user to select one of an image information stored in each image file (users can select to change the image information for a particular

Art Unit: 2173

image, such as the width, height, direction, etc. of an image) (pages 26-27, 92-96, 102-107 and 297-300); allowing the user to indicate a beginning of a homepage creation process (users can create a new website, or update a website by using the FrontPage creator/editor to save and publish pages) (pages 15-16, 25 and 107); and automatically performing one of a creation and an update of a homepage, using the selected desired images after the beginning of the homepage creation process is indicated by the user, wherein the selected plurality of images are automatically arranged according to the selected image information stored in each image file (after the user has inserted or edited a selected image with corresponding image information stored in the image file, i.e. properties such as image width, height, direction, etc. in "Picture Properties", and selected the option to save and upload/publish the newly added or edited images to the web page, the web page is automatically created/updated with the images arranged in the user selected fashion, i.e. the size, height, placement, etc. of the images of the published website corresponds to the user edited "Picture Properties" information of the image) (pages 26-27, 92-96, 102-107 and 297-300).

Referring to claim 20, as best understood by the examiner, parker teaches performing, when the user selects a plurality of desired images and indicates a beginning of the homepage creation process, the one of the creation and the update of the homepage (after the user has added or edited images, FrontPage will automatically create or update the page when the user selects the options to save the changes made to the website and upload and publish the newly added or edited images, pages etc.) (pages 26-27, 107 and 297-300), which displays the images with the photographing information stored in each image file, the image information concerning at least one of date and time, photographer, title, image width, height, compression mode of a stored

image, shutter speed, contraction value, brightness value, light exposure correction value, minimum stop-down value of lens, object distance, photometry method, flash emission conditions, photographing location, photographing direction, and comment information (after the user has inserted or edited a selected image with corresponding image information stored in the image file, i.e. properties such as image width, height, direction, etc. in "Picture Properties", and selected the option to save and upload/publish the newly added or edited images to the web page, the web page is automatically created/updated with the images arranged in the user selected fashion, i.e. the size, height, placement, etc. of the images of the published website corresponds to the user edited "Picture Properties" information of the image) (pages 26-27, 92-96, 102-107 and 297-300).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 16 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Parker, in the book, The Complete Idiot's Guide to Microsoft FrontPage 2000, as applied to claims 1, 8 and 17 above, and Okada et al. U.S. Publication 2001/0040625 (hereinafter "Okada").

Referring to claims 15, 16 and 18, Parker teaches all of the limitations as applied to claims 1, 8 and 17 above. However, Parker fails to explicitly teach wherein the image



information stored in each image file and used for the automatically arranging comprises incidental information that is transmitted by an electronic camera along with image data for an image. Okada teaches an interface for transmitting images over a network (Okada: page 1, paragraph 0010) similar to that of Parker. In addition, Okada further teaches transmitting over a network incidental information such as date and time, and image order, along with the image from the digital camera (Okada: page 1, paragraphs 0010 and 0013, page 2, paragraph 0021 and page 4, paragraphs 0061 and 0063). It would have been obvious to one of ordinary skill in the art, having the teachings of Parker and Okada before him at the time the invention was made, to modify the interface for creating homepages using selected images to include images transmitted from a digital camera. One would have been motivated to make such a combination in order to allow a plurality of users to easily view images photographed with a digital camera.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parker, in the book, The Complete Idiot's Guide to Microsoft FrontPage 2000, as applied to claim 17 above, and Fredlund et al. U.S. Patent 6,812,962 (hereinafter "Fredlund").

Referring to claim 19, Parker teaches all of the limitations as applied to claim 17 above. Specifically, Parker teaches image information stored in each image file for arranging. However, Parker fails to explicitly teach wherein the image information stored in each image file for arranging comprising information stored in a tag of an Exchangeable Image File (EXIF) format. Fredlund teaches loading, i.e. transferring images over a network (Fredlund: column 2, lines 28-32) similar to that of Parker. In addition, Fredlund further teaches storing image information in Exchangeable Image File (EXIF) format (Fredlund: column 4, lines 1-31). It would have been

obvious to one of ordinary skill in the art, having the teachings of Parker and Fredlund before him at the time the invention was made, to modify the interface that stores images in EXIF format. One would have been motivated to make such a combination in order to provide the flexibility of storing image metadata in a certain format.

### *Response to Arguments*

6. Applicant's arguments filed 23 September 2005 have been fully considered but they are not persuasive:

7. The applicant states that there is no user or manual intervention required for arranging in the claimed invention. However, the examiner respectfully argues that the applicant's argument is contradictory to the claim language because the claims recite that the arranging is performed in response to the user selecting the desired images and indicates beginning of the homepage creation process; therefore, at least the user intervention of selecting images is required for the arranging to begin. Furthermore, the applicant argues that Parker teaches manual manipulations by a user for making changes, i.e. arranging images, and not an automatic procedure for arranging images as claimed. The examiner respectfully disagrees. The examiner respectfully asserts that the limitations of the independent claims, as presently recited, do not explicitly claim that the automatically arranging the user selected images is done by the program or system, instead of the user. In other words, the limitation "arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images, automatically, according to image information stored in each image file" of claim 1

for example, can be the user automatically arranging the selected plurality of images when the user selects a plurality of desired images and indicates beginning of the homepage creation process, and necessarily the computer program automatically arranging the selected plurality of images when the user selects a plurality of desired images and indicates beginning of the homepage creation process. In addition, the article written by Parker is essentially a guide to Microsoft FrontPage 2000, an HTML editor used to design/create web pages. FrontPage allows users to interact with the interface and perform actions such as adding images and text to a page layout, and then converts the user created page layout into HTML code upon the users uploading the created page onto the web server, thus creating a webpage. The examiner respectfully argues that FrontPage, as described in Parker, allows users to add images to a web page (pages 86-90) and then save and upload the created page comprising the added image (pages 26-27, 107 and 297-300); therefore, when the user chooses to upload the created page, i.e. indicate beginning of a homepage creation process, FrontPage automatically creates the web page according to the page saved by the user, with the desired images arranged according to user selection, i.e. FrontPage converts the user created page comprising the selected images into HTML code for publishing/uploading onto the Internet, thereby producing a webpage.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ

  
CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER